

#### UNITED STATES MARINE CORPS

COMBAT LOGISTICS REGIMENT 37 3D MARINE LOGISTICS GROUP UNIT 38404 FPO AP 96380-8404



From:

To: Files

Subj: PRELIMINARY INQUIRY INTO THE CIRCUMSTANCES SURROUNDING

ALLEGED FRATERNIZATION THAT OCCURRED IN SERVICE COMPANY

Encl: (1) PI IO

1. I have reviewed the Preliminary Inquiry in its entirety and concur with the Investigating Officer's recommendations.

- 2. Gunnery Sergeant Arguello is to be offered Nonjudicial Punishment for violation of Article 92, in that he violated Combat Logistics Regiment 37's Fraternization Policy.
- 3. No further investigation required.

4. The point of contact for this matter is Combat Logistics Regiment 37 at DSN 637-3407 or usmc.mil.



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> IN REPLY REFER TO: 5830 26 Jan 21

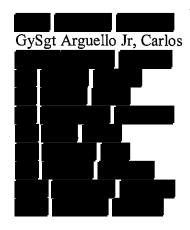
From:		USMC
To:	C	Combat Logistics Regiment 37

Subj: PRELIMINARY INQUIRY INTO THE CIRCUMSTANCES SURROUNDING ALLEGED FRATERNIZATION THAT OCCURRED IN SERVICE COMPANY

Ref: (a) JAGMAN, Section 0203

- Encl: (1) Appointing Letter
  - (2) Signed testimony of
  - (3) Phone screenshots
  - (4) Duty Logbook Page from 20201120
  - (5) Signed statement of
  - (6) Acknowledgement of Rights by GySgt Arguello
  - (7) Acknowledgement of Rights by GySgt
  - (8) Second Signed Testimony of
  - (9) Duty Logbook Page from 20210107
  - Fraternization Policy Statement (10)
- 1. This reports the completion of the preliminary inquiry conducted in accordance with reference (a) into the alleged fraternization that occurred in Service Company.

#### 2. Personnel Contacted:



Disbursing Operations Section	645-7041
Service Company, Company Office	645-6110
Disbursing Fiscal Section	645-3448
Disbursing Pay Section	645-7282
Disbursing Operations Section	645-7024
Disbursing Operations Section	645-1951
Disbursing PCS Section	645-3047
Disbursing Operations Section	645-1951
Disbursing Fiscal Section	645-3448
Communications Company	080-6495-2833
Disbursing Operations Section	645-1951

3. Materials reviewed:

## Subj: PRELIMINARY INQUIRY INTO THE CIRCUMSTANCES SURROUNDING ALLEGED FRATERNIZATION THAT OCCURRED IN SERVICE COMPANY

a. Duty Logbook page for 4 <sup>th</sup> deck, Barracks 472 from 20201120. The original logbook is stored in the Service Company office. Can be contacted at 645-6188.
b. Screenshots of phone displaying text conversations, a call log, and a Facebook name and profile picture. The original screenshots are on personal cell phone. can be contacted at 645-1951.
4. <u>Summary of Findings</u> .
a. The witness statement of encl (2), was substantiated by the screenshots from her phone, encl (3), the barracks duty logbook page, encl (4), and the statement of encl (5). GySgt Arguello declined to waive his rights and make a statement, encl (6). GySgt Arguello and spoke at the Thanksgiving potluck on 20 Nov 2020 and GySgt Arguello came to her barracks room after the event. They spoke briefly and kissed, then asked GySgt Arguello to leave her room. They began a text conversation through WhatsApp and Facebook messenger discussing the possibility of continuing their relationship and making innuendos about sex. Approximately a week later, messaged GySgt Arguello that she couldn't go through with anything and they should stop messaging. GySgt Arguello said he would respect her wishes after several more attempts to continue the conversation.
b. The reporting of the misconduct went through the following chain:
5. <u>Recommendation</u> . I recommend that both GySgt Arguello and receive a 6105 counseling about their failure to abide by Marine Corps regulations and the Regimental policy statement on fraternization. I further recommend that a PME on misconduct reporting be given to all personnel in Service Company to ensure timely reports of suspected misconduct.



#### UNITED STATES MARINE CORPS

COMBAT LOGISTICS REGIMENT 37 3D MARINE LOGISTICS GROUP UNIT 38404 FPO AP 96380-8404



From: Combat Logistics Regiment 37 To: 1512998115/0402 USMC

Subj: PRELIMINARY INQUIRY INTO THE CIRCUMSTANCES SURROUNDING ALLEGED

FRATERNIZATION THAT OCCURRED IN SERVICE COMPANY

Ref: JAGMAN, Section 0203

1. This appoints you, per the reference, to inquire into the facts and circumstances surrounding the alleged fraternization that occurred in occurred in Service Company in November of 2020.

- 2. Inquire into the facts and circumstances surrounding this event. Report personnel contacted, all materials reviewed and their custodian, and then make a recommendation on subsequent command action in writing, for example: consult with Judge Advocate, no further investigation warranted, conduct a command investigation, conduct a litigation report, or order a board or court inquiry.
- 3. Your report is to be completed in letter form three days from date signed, unless an extension of time is requested and granted. If you have not previously done so, read Chapter II of the reference in its entirety before beginning your report.

4.	Y	ou a	re a	idvis	ed to	seek	legal	advice	from	the	3 d	Marine	Logis	tic G	roup	Staff	Judge	e Adv	ocat/	e Of	fice.
DS	IN:	: 315	5-6	37-21	25,	durin	g the	course	of ye	our	inve	stigatio	n. You	ı ma	y also	con	verse	with	the	Batta	alion
Le	ga	Off	fice	г,								at DS	N: 315	-637	-3407	7.					



## **ARTICLE 31 RIGHTS**

Name: _	_	Rank/Rate:		
Activity:	USMC	Unit:	7 30 MLG DISKU	SET NG
Telephone nui	nber: <u>662–752–6214</u>			
I have been acand that:	lvised that I may be suspected o	of the offense(s)	of: Fraternizatio	n
	I have the right to remain silent Any statements I do make may court-martial.  I have the right to consult with lawyer counsel may be a civilia a military lawyer appointed to I have the right to have such remilitary lawyer present during I have the right to terminate the	y be used as evid n lawyer counsel ian lawyer retain act as my couns etained civilian la g this interview.	prior to any questioning the prior to any questioning the prior to me at my own extended the prior to me, or appointed and/or appointed to the prior to me, or appointed the prior to appoint the prior to appoint the prior to any question in the prior to approximate the prior to	ng. This expense, or both.
	WAIV	ER OF RIGHTS	<u>s</u>	
	retained by me or a me cost to me prior to que I expressly do not des during this interview.  This acknowledgment voluntarily by me, and	em, and that: vaive my right to nake a statement. ire to consult wit ilitary lawyer appestioning. ire to have such a t and waiver of rid without any pro-	remain silent.	ver without me d g been
(Member sig	<u>20210113</u> nature/date) (Witne	2_ess signature/date		

Understanding my rights under Article 31, UCMJ, I wish to make the following statement:

#### ATTACH STATEMENT HERE.

· Nov. 20th Thanksgiving potluck

"Gysgt came up to at event

"Gysgt came to at event

- Gysgt came to com

- Gysgt cameinto room to

talk about tattoos

- Made out

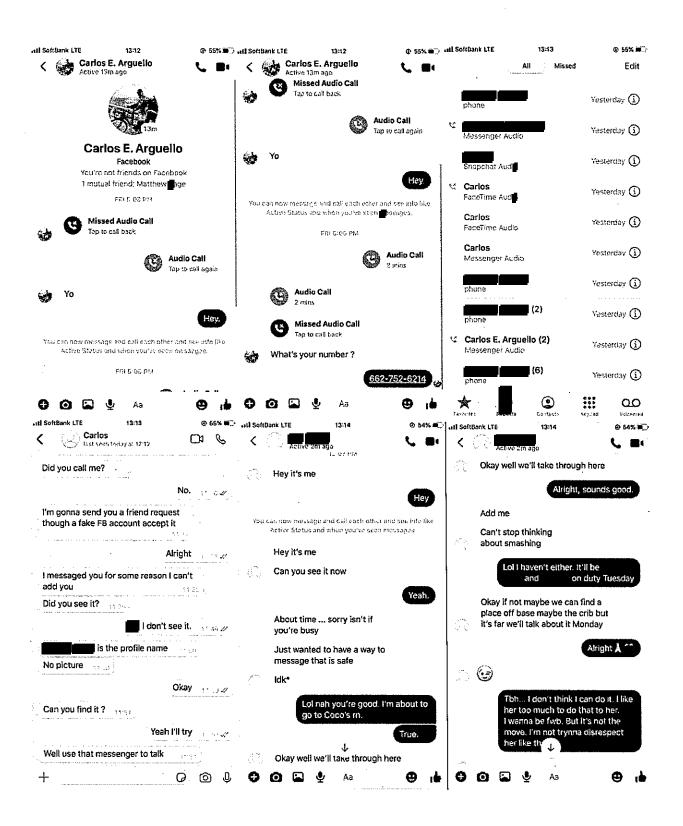
- Gysgt was touching

- Hold Gysgt to leave has messages with Gysgt

Week later

- +old events to Gysgt \_\_\_\_ (Gysgt partner
- \* Gysgt apologize told to not report it
- · Both Gysgts told to delete all evidence
- when Gyst came to were on duty

Member's Signature	<u>Zezzo 113</u> Date
Witness Signature	<u>70210113</u> Date





	CYSGT ARGUEUO
730	I HAVE ASSUMED ALL DUTIES AND RESPONSIBILITIES AS DNOO
	FOR BLDG 472, 4TH DECK. I HAVE READ ALL ORDERS AND INSTRUCTIONS
	PERTAINING TO MY POST. I HAVE IN MY POSSESSION (1) DUTY LOG BOOK, (1) VISHO
	LOGIBOOK/IMORNING CLEAN UP LOGIBOOK, MISSERTY COGIBOOK, AND (1) PISCRE PANCY
	LOCKCOC.
1815	PNOO TOURS LITH DECK, ALL IN GOOD ORDER.
1922	ONCO TOURS 4TH DECK, ALL IN GOOD DEDER.
1030	MANTENANCE STEPS ON DECK TO EXTERMINATE ROOM 410
1046	ancotour 4th Dock, All in Good Order.
1105	MAINTENANCE STERS OFF DECK SHO
1121	DNCO TOURS 4TH DECK, ALL INGOOD OPDER.
1204	DUCO TOURS 4TH DECK, ALL IN GOOD GROER.
1339	DNCOTOUR 4TH DECK, ALL IN GOOD ORDER.
1401	MENSET NOVILLO STERS ON DECK.
1407	MGYSGT NOVILLO STEPS OH OFF DECK.
.502	DNCO TOURS UTH DEOK, ALL IN GOOD ORDER.
547	GYSCIT ARCHELLO STEP ON DECK.
606	GYSGT ARGUELLO STERS OFF DECK.
613	DNEO TOURS LITH DECK, ALL IN GOOD ORDER.
תוף,	PNOW TOURS UTH ASCK, ALL IN GOOD ORDER.
1800	DNCO TOURS YTH DEEK, ALLIH GOOD ORDER.
1849	DNCO TOURS YTH DECKIALL IN GOOD ORDER.
1926	DNCO TOURS 4TH DECK, ALL IN GLOUP UKPER.
2050	PHOO FOURS 4TH MOCK, MILIN GOOD ORIDER.
107	ENCO TOURS 4TH DECK, IBLL IN GOOD ORDER.
215	ONCE TOURS YTH DECK, ALL IN GOOD OPDER.
.331	DUCO TOUR UTH DECK, ALL IN GOOD ORDER
-359	DUCO TOUR LITH DECK, ALL IN GOOD OR DER Encl (4)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

I storted relicity word below from UPL WHIACK. We vient to
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Frank who she was thanking about ravery. I talked to about war a cold commy said commy was a cold commy war and for confort Arguing on her burach war.
about how I can be have your sound
happened who was and some cropped properly on her burache wars.
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contage and could than our one or a savay. This beggined
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and the floor it. He menter a facto four profile
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### **ARTICLE 31 RIGHTS**

Name: <u>Af</u>	REALD Rank/Rate: GUSAT/E-7
Activity:	Unit: <u>SUC CO, CLP-37</u>
Telephone nur	mber: <u>LL45-Ll10</u>
I have been acand that:	lvised that I may be suspected of the offense(s) of: Fraternization
ca Da	I have the right to remain silent.  Any statements I do make may be used as evidence against me in trial by court-martial.
Q <del>4</del>	I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense,
Cr}-	a military lawyer appointed to act as my counsel without cost to me, or both.  I have the right to have such retained civilian lawyer and/or appointed
	military lawyer present during this interview.  I have the right to terminate this interview at any time.
	WAIVER OF RIGHTS
	<ul> <li>I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that: <ol> <li>I expressly desire to waive my right to remain silent.</li> <li>I expressly desire to make a statement.</li> <li>I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.</li> <li>I expressly do not desire to have such a lawyer present with me during this interview.</li> <li>This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.</li> </ol> </li> </ul>
(Member sign	202-10-113 (Witness signature/date) 20210113

Understanding my rights under Article 31, UCMJ, I wish to make the following statement:

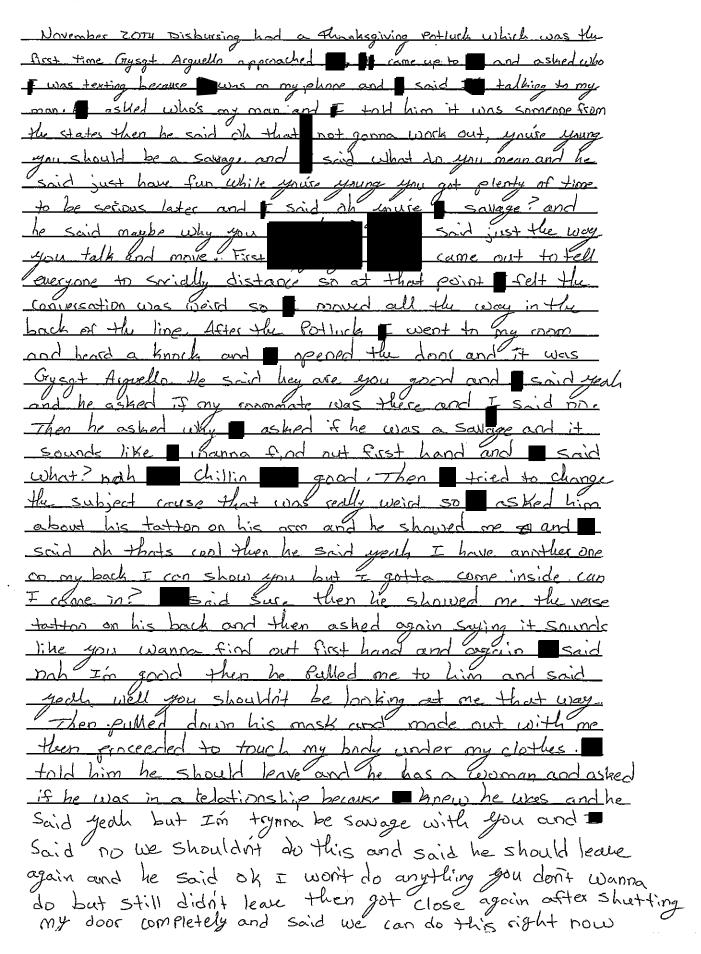
		ARTICLE	E 31 RIGH	TS		
Name:			Rank/Rat	e:_		
Activity:			Unit:	Suc c	0	
Telephone nu	mber:(0	15.3448				
I have been a and that:	dvised that I	may be suspected	of the offer	nse(s) of:		
	Any statem court-mart I have the lawyer cou a military I have the military la	ial. right to consult wit unsel may be a civi lawyer appointed t	ay be used a th lawyer co ilian lawyer o act as my retained civ ig this interv	ounsel prio retained b counsel w vilian lawy view.	e against me in trial le or to any questioning, by me at my own exp without cost to me, or wer and/or appointed ime.	This ense,
		WAIV	ER OF RI	<u>IGHTS</u>		
	rights and [ ] I e [ ] I e [ ] I e co [ ] I e du [ ] Th	fully understand the appressive desire to expressly desire to expressly do not desired by me or a most to me prior to quappressly do not desiring this interview his acknowledgment luntarily by me, ar	hem, and the waive my rimake a state sire to constitutary law a state of the state	at: ight to remement. sult with eityer appoint such a laver of right: any promis	the above statement of nain silent.  ther a civilian lawyer ated as my counsel wayer present with me as is made freely and ses or threats having kind having been us	ithout
(tateniner sig		0/24			20210176	

Understanding my rights under Article 31, OCIVIS, I WISH to make the following statement:

## **ARTICLE 31 RIGHTS**

Name:		Rank/Rate:
Activity:	USMC	Unit: CLR-37 35 MIG DISRUBSING
Telephone nur	nber: 662 7526214	·
I have been ad and that:	vised that I may be suspected	of the offense(s) of: Fraternization
	court-martial.  I have the right to consult will lawyer counsel may be a cival military lawyer appointed to	ay be used as evidence against me in trial by th lawyer counsel prior to any questioning. This ilian lawyer retained by me at my own expense, to act as my counsel without cost to me, or both, retained civilian lawyer and/or appointed ng this interview.
	WAI	VER OF RIGHTS
	I expressly desire to I expressly desire to I expressly desire to I expressly do not de retained by me or a r cost to me prior to q I expressly do not de during this interview This acknowledgme voluntarily by me, a	waive my right to remain silent. make a statement. esire to consult with either a civilian lawyer military lawyer appointed as my counsel without uestioning. esire to have such a lawyer present with me
(Member sign	nature/date) ZUZ\O\ZG (With	ness signature/date)

Understanding my rights under Article 31, UCMJ, I wish to make the following statement:



(meaning sex) you just have to be quiet and said No I don't want to and Plus you got a woman and he said fine we don't have to right now we can Plan another time (at this point was just trying to get him out my room) so I said geah we can plan something another time. After that he left and then Messaged me and called me through facebook. Then he Messaged me through what sage to tell me to add his fake account so we could talk discrete have all the pictures from the messges and calls) so after we had texted for like Z days I finally said that I don't want to do anything and it would be discespectful to his girl and he said ok I'll leave you alone. After a week of Seeling hospible and guilty because of the situation decided to tell his woman, everything that happened. I took to the supply closet we have at work after asking If could speak to Privately and told everything that had happened. At first was in disbelief and said that never heard of him doi: of him doing anything like that so showed the screenshots of the Messages and Calls. Said I'm sorry this happened to you, this is very unprofessional you don't have to be the menous talking to me. And said not nervous which can imarine the are too for telling me this been with for Z years you no Probably saved me from making the biggest mistake. Then left and maybe about 30 mins later get a call from Crysgot Arguello Saying why did you tell her? was gonna leave you alone you ruined exertling the you could have at least given me a warning than hung wand Messaged that had called me and told me that. said to not respond and to block him. said Ok. This was the Friday after the Pot luck so after the weekend on Monday was in her Section to do a backup on one of the computers and said here of the said heed to talk to you then we walked outside and said that Grysgt Arguello was gonna come in like five Minutes to apologize to me then wante to talk to me. After a little while he came and and stepped outside He said first off I openlagize for putting unwanted Pressure on you, second, no one else needs to know about this, third, I don't hate you I'm not gonna try to destroy your life or carreer or anything. Alt I said was Thank you then he left,

0126 Encl(8)

## ATTACH STATEMENT HERE.

Witness Signature

After He left said you need to understand that your actions
are affects on geople its youre fault to for letting it happen. Lastly,
Stay out of My way, we have to work together for Z more to some into
Fiscal (the section she works im) unless you absolutely have to. After that a said of and we walked inside. Over time though everything would just go away because I didn't want to deal with the situation. But had heard around that an investigation was a least of the situation.
and we walked inside. Over time I though everything would just go away because
I didn't want to deal with the situation. But I had heard around that an
January 2004 to Start so it was unavoidable to controlly the
showed up to by barracks, believe the same night
which asked If I had told anyone and why is this investigation happening
wes talking
" tode in Legal cond the best extraor to the would be do
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Nieloch and that it could end badly if addn't deny encything. I told her thank you and so left. The date of the 3 day of brief we had at kinser Grass + Accella come us after and said he wanted to talk to and to follow!
Gy sg + Arguello came up after and said he wanted to talk to and to follow his
te his car so we could talk in Private. In the car he said that he didn't want
or him to get in trouble and the best thing to do would be to deny everthing
and seek legal counceling. He Pressed over and over for to delete the screet
shots - had of the Message: south of level a lot better if - showed
him as deleting them and I hept saying no decide and the said flech but I thought we were on the same Page, cause as soon as you go to work they are gonna ask you for the picture and it
are some ask some for the same Page, cause as soon as you go to work they
then it I so us = sit the pictures and they are gonna send it up to 1st soft
Finally said Ok and left is
are gonna ask you for the pictures and they are gonna send it up to Istset then it'll go up. I sound I was just gonna wait to delete them and he finally said the and I left. When I got to foster I decided to delete
Member's Signature Date

Date

Them cause I thought it would be the best option so I deleted the original. But I still have the screen shots of everything. The stress was overwhelming and the situation is terrible but I decided to tell the truth about everything because I had heard stories about Crysgt Arguello making other females uncomfortable and that needed to be stopped.

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# Fraternization Policy Statement





#### End State. Maintenance of trust.

In my Guidance, I discuss the importance of trust in enabling us to build a professional and proficient warfighting organization. Fraternization undermines trust by setting the stage for preferential treatment and predatory behavior. This issue can be hard to tackle as it is often complicated by misunderstood definitions of pre-existing relationships and unexpected social interactions.

In Combat Logistics Regiment 37, our policy is clear and in accordance with the 3d MLG Commanding General's Fraternization Policy Letter 7-1 dated 11 August 2014;

Any professional or personal relationship, including on/off duty, social, and contact between service members of different grades or ranks that call into question a senior's objectivity, that results in actual or perceived preferential treatment, that undermine the authority of the senior or compromises the chain of command, and that are not consistent with the traditional standards of good order and discipline is considered fraternization and is strictly prohibited.

For the purposes of this policy, the following categories define personnel who are senior and junior: Field Grades (0-6 to 0-4), Company Grades (0-3 to WO). SNCOs (E-9 to E-6), NCOs (E-5, E-4) and Junior Marines (E-1 to E3).

The most prevalent examples of fraternization are dating and gambling for monetary gain among senior and junior rank categories (e.g. officers and enlisted, NCOs and Non-NCOs) within 3d MLG. Other examples may exist, however at the end of the day good judgement is required and expected; when in doubt seek advice via your chain of command before engaging in a relationship with a junior or senior rank category which may be perceived as inappropriate. All requests for exceptions to this policy and the 3d MLG Commanding General's Fraternization Policy Letter should be directed and approved at the Regimental level.

This policy is applicable to all members of Combat Logistics Regiment 37 and constitutes a lawful order. Violators of this policy and/or the 3d MLG Commanding General's Fraternization Policy Letter may be subject to adverse administrative and punitive action under <u>Article 92</u> of the Uniformed Code of Military. Marines and Sailors of the Regiment, fraternization is a real issue and at the end of the day undermines trust, good order and discipline. For some this is a tough policy, for professionals this is easy.

U.S. Marine Corps